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SERVICE DATE - DECEMBER 18, 1998

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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC-F-20904]

Peter Pan Bus Lines, Inc.—Pooling—Greyhound Lines, Inc.

[STB Docket No. MC-F-20908]

Peter Pan Bus Lines, Inc.—Pooling—Greyhound Lines, Inc.

[STB Docket No. MC-F-20912]¹

Peter Pan Bus Lines, Inc.—Pooling—Greyhound Lines, Inc.

AGENCY: Surface Transportation Board

ACTION: Notice tentatively approving amendments to pooling agreements.

SUMMARY: The Board tentatively approves certain minor and conforming amendments to previously approved operations and revenue pooling agreements between Peter Pan Bus Lines, Inc. (Peter Pan), of Springfield, MA, and Greyhound Lines, Inc. (Greyhound), of Dallas, TX (collectively, applicants), involving routes between New York, NY, and Philadelphia, PA, Washington, DC, Boston and Springfield, MA. If no opposing comments are timely filed, this notice will be the final Board action. If opposing comments are timely filed, this tentative approval will be deemed vacated, and the Board will consider the comments and any replies and will issue a further decision on the amendments.

¹ These proceedings are not consolidated. A single decision is being issued for administrative convenience.

DATES: Comments are due by January 7, 1999, and, if comments are filed, applicants' reply is due by January 19, 1999.

ADDRESSES: Send an original and 10 copies of comments referring to STB Docket No. MC-F-20904 et al. to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, send one copy of comments to applicants' representatives: Jeremy Kahn, Suite 810, 1730 Rhode Island Avenue, N.W., Washington, DC 20036; and Fritz R. Kahn, Suite 750 West, 1100 New York Avenue, N.W., Washington, DC 20005-3934.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: The pooling agreements originally proposed were approved by separate decisions in these proceedings, served June 30, 1997, in STB Docket No. MC-F-20904, April 29, 1998, in STB Docket No. MC-F-20908,² and February 12, 1998, in STB Docket No. MC-F-20912. The agreements cover separate, but connecting, routes, respectively, between New York City and Philadelphia, Washington, DC, and Boston and Springfield.

² Approval of this agreement was conditioned upon applicants' submitting to the Board and serving on the U.S. Department of Justice, Antitrust Division, at 6-month intervals for 3 years, data on the fares charged by Peter Pan and Greyhound for passenger service between New York City and Washington, DC. The action in this decision makes no change in this condition, and it remains in full force and effect, as originally imposed.

The terms of these agreements differed somewhat, and in preparation for implementation of the three agreements, applicants have filed a petition to modify the terms of the agreements, both so as to conform the language of the earlier agreements to the approved language of the later ones, and to make certain minor modifications, in order to ensure that the three agreements are consistent with one another.

The subject matters of the amendments include: points of sale of tickets; treatment of shortfalls in operating mileage; processing of baggage and express claims; placement of signs at bus stations and terminals; deductions of fees and charges from the pooled revenues; apportionment of package express revenues; terminal costs; implementation dates; elimination of Greyhound's right of first refusal to acquire the stock of Peter Pan; sharing of advertising expenses; and remedies for default. While it appears that these amendments will continue to foster improved service and economy of operation, it does not appear that any of these subjects will have any significant effect upon competition in the affected transportation markets, and, accordingly, we find nothing to suggest that these amendments would restrain competition within the affected service areas. Accordingly, we will tentatively approve the amendments pending the filing of comments as discussed above.

Copies of the petition to amend the pooling agreements may be obtained free of charge by contacting applicants' representatives.

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"WWW.STB.DOT.GOV."

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed amendments to these pooling agreements are approved and authorized, subject to the filing of opposing comments.
2. If timely opposing comments are filed, the findings made in this decision will be deemed as having been vacated.
3. This decision will be effective on January 7, 1999, unless timely opposing comments are filed.
4. A copy of this decision will be served on the Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530.

Decided: December 9, 1998.

By the Board, Chairman Morgan and Vice Owen.

Vernon A. Williams

Secretary